

**DEVICE AND METHOD FOR DETERMINING THE OPERATING PARAMETERS OF
INDIVIDUAL CELLS OR SHORT STACKS OF FUEL CELLS**

Examiner: Scully S.N.: 10/588,790 Art Unit: 1727

DETAILED ACTION

1. The Amendment filed August 12, 2010 has been entered. Claims 40-68 remain withdrawn from consideration, claims 69-71 are newly canceled, claims 79 and 80 are newly added and claims 72-78 are newly amended. Accordingly, claims 72-80 are pending examination in the application.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Tushin on October 20, 2010.

The application has been amended as follows:

Claims 40-68 are canceled;

Claim 72, at line 4, inserted "thermally" between "first and second" and "insulating end elements";

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Claim 79, at lines 8 and 9, inserted “thermally” between “first and second” and “insulating end elements”;

Claim 79, at lines 9 and 10, deleted “and said first and second insulating end elements being essentially pressure resistant” between “being essentially pressure resistant” and “and said first and second clamping”; and

Claim 79, at line 16, inserted “outer” between “embracing” and “lateral sides”.

Claim Rejections - 35 USC § 112

4. Claim rejection of claim 75 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement, is withdrawn because the claim has been amended.

5. Claim rejections of claims 71, 75 and 77 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, are withdrawn because the claims have been amended and claim 71 has been canceled.

6. Claim rejections of claims 75 and 76 for lack of antecedent basis are withdrawn because the claims have been amended.

Claim Rejections - 35 USC § 102

7. Claim rejections of claims 69, 73 and 74 under 35 U.S.C. 102(b) as being anticipated by Hase et al. (US2003/0180590) are withdrawn in light of the Amendment.

8. Claim rejections of claims 69-71 and 78 under 35 U.S.C. 102(b) as being anticipated by Okazaki et al. (JP2000-340249) are withdrawn in light of the Amendment.

Claim Rejections - 35 USC § 103

9. Claim rejection of claim 72 under 35 U.S.C. 103(a) as being unpatentable over Okazaki et al. (JP2000-340249) in view of Lehmeier et al. (US5,942,344) is withdrawn in light of the Amendment.

10. Claim rejection of claims 73-75 under 35 U.S.C. 103(a) as being unpatentable over Okazaki et al. (JP2000-340249) in view of Hase et al. (US2003/0180590) is withdrawn in light of the Amendment.

11. Claim rejection of claim 76 under 35 U.S.C. 103(a) as being unpatentable over Hase et al. (US2003/0180590) in view of Miyao et al. (US2004/0146772) is withdrawn in light of the Amendment.

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12. Claim rejection of claim 76 under 35 U.S.C. 103(a) as being unpatentable over Okazaki et al. (JP2000-340249) in view of Miyao et al. (US2004/0146772) is withdrawn in light of the Amendment.

13. Claim rejection of claim 77 under 35 U.S.C. 103(a) as being unpatentable over Hase et al. (US2003/0180590) in view of Iyasu et al. (US6,410,177) is withdrawn in light of the Amendment.

14. Claim 77 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okazaki et al. (JP2000-340249) in view of Iyasu et al. (US6,410,177) is withdrawn in light of the Amendment.

Allowable Subject Matter

15. Claims 72-80 are allowed. The following is an examiner's statement of reasons for allowance: The invention of independent claim 79 recites a fuel cell stack which comprises...first and second clamping elements respectively positioned near opposite ends of said row of fuel cells, first and second thermally insulating end elements respectively positioned between said first and second clamping elements and respective opposite ends of the row of fuel cells,...exterior insulation elements separate from the first and second thermally insulating end elements positioned around sides of said row of fuel cells, said exterior insulation elements embracing outer lateral sides of said first and second thermally insulating end elements but not contacting said first and

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second clamping elements. The closest prior art of record Okazaki et al. (JP2000-340249) does not teach nor suggest exterior insulation elements embracing outer lateral sides of said first and second thermally insulating end elements but not contacting said first and second clamping elements, as recited in the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact/Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Scully whose telephone number is (571)270-5267. The examiner can normally be reached on Monday to Friday 7:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dah-Wei Yuan can be reached on (571)272-1295. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/S. S./

Examiner, Art Unit 1727

/Dah-Wei D. Yuan/

Supervisory Patent Examiner, Art Unit 1727